

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JOHN CARROLL WALL, JR.,	)	
	)	
Petitioner,	)	
	)	1:04CR8-2
v.	)	1:21CV572
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

## ORDER

The Order and Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on July 14, 2021, was served on the parties in this action. In response, Petitioner filed a letter that was docketed, in an abundance of caution, as an objection to the recommendation. (Docket Entry 101.) In this objection, Petitioner requests the same relief proposed by the Magistrate Judge in his recommendation: dismissal of the instant matter without prejudice. (*Id.*)

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made (to the extent an objection was raised at all) and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that this action be filed and dismissed *sua sponte* without prejudice to Petitioner promptly

filings a corrected motion on the proper § 2255 forms. A judgment dismissing this action will be entered contemporaneously with this Order.

/s/ Thomas D. Schroeder  
United States District Judge

August 20, 2021